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6 Attorney for Joshua Cola

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSHUA COLA,

14 Defendant.

Case No. 2:20-cr-00295-JCM-EJY

**STIPULATION TO CONTINUE
REVOCATION HEARING**
(Tenth Request)

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-
19 Whittington, Assistant Federal Public Defender, counsel for Joshua Cola, that the Revocation
20 Hearing currently scheduled on September 23, 2024, be vacated and continued to a date and
21 time convenient to the Court, but no sooner than sixty (60) days.

22 This Stipulation is entered into for the following reasons:

23 1. Some of the allegations in the supervised release petition are the subject of a
24 new charge in case number 2:22-CR-00263-JCM-NJK¹. The parties have reached a proposed
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26 ¹The parties have filed a stipulation in the related case because the Ninth Circuit's decision in *United States v. Duarte*, 101 F.4th 657 (9th Cir. 2024), *vacated*

1 global resolution and Mr. Cola intends on accepting the plea offer. Because the cases are
2 intertwined, the parties move to continue this matter to resolve this case as well as the new case
3 at the same time.

4 2. The defendant is-in custody and agrees with the need for the continuance.

5 3. The parties agree to the continuance.

6 This is the tenth request for a continuance of the revocation hearing.

7 DATED this 5th day of September 2024.

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9 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

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11 By /s/ Nisha Brooks-Whittington

By /s/ Melanee Smith

12 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

MELANEE SMITH
Assistant United States Attorney

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26 *pending reh'g en banc*, 108 F.4th 786 (9th Cir. 2024) is pending and bears on Mr.
Cola's charges.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOSHUA COLA,

7 Defendant.
8

Case No. 2:20-cr-00295-JCM-EJY

ORDER

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10 IT IS THEREFORE ORDERED that the revocation hearing currently scheduled for
11 September 23, 2024 at 10:30 a.m., be vacated and continued to **December 2, 2024, at**
12 **10:00 a.m.**

13 DATED September 12, 2024.

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16 UNITED STATES DISTRICT JUDGE
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